

Client Matter No. 80168.0123
Via Facsimile

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|---|--------------------------------|
| Serial No. 09/886,373 | Confirmation No.: 5675 |
| Application of: Kathy T. Stark, Frederic Herrmann, Gia-Khanh Nguyen, Rebecca A. Ramer | Customer No.: 32658 |
| Filed: June 22, 2001 | |
| Art Unit: 2152 | |
| Examiner: Chankong, Dohm | RECEIVED CENTRAL FAX CENTER |
| Attorney Docket No. P5592 | AUG 31 2005 |
| For: NETWORK AND METHOD FOR COORDINATING HIGH AVAILABILITY SYSTEM SERVICES | |

DECLARATION OF PRIOR INVENTION UNDER 37 C.F.R. § 1.131

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. This Declaration and the accompanying documentary evidence are being submitted to establish conception and reduction to practice of the invention claimed in the above application in the United States at a date prior to September 8, 2000 the application filing date of the relevant reference: U.S. Patent Application Publication No. US 2004/0049573 A1 to Olmstead et al. entitled SYSTEM AND METHOD FOR MANAGING CLUSTERS CONTAINING MULTIPLE NODES, and U.S. Patent Application Publication No. US 2005/0071470 A1 to O'Brien et al. entitled TECHNIQUES FOR MAINTAINING HIGH AVAILABILITY OF NETWORKED SYSTEMS.

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2. We, Kathy T. Stark, Frederic Herrmann, Gia-Khanh Nguyen, and Rebecca A. Ramer, declare that Kathy T. Stark, Frederic Herrmann, Gia-Khanh Nguyen, and Rebecca A. Ramer are the joint-inventors of the invention recited in pending claims 1, 3, 5-11, 14, 16-18, 21-26, 31, 36-39 and 41-80 of the above application. At the time we conceived of and reduced to practice the invention recited in pending claims 1, 3, 5-11, 14, 16-18, 21-26, 31, 36-39 and 41-80 of the present application, we, Kathy T. Stark, Frederic Herrmann, Gia-Khanh Nguyen, and Rebecca A. Ramer, were working for Sun Microsystems, Inc. at its facility in Menlo Park, California. We made the invention at our place of employment in Menlo Park, California.
3. We conceived and reduced to practice the invention prior to September 8, 2000, as is shown by the enclosed copy of our Invention Disclosure Form. While the dates on the Invention Disclosure Form have been redacted, we verify that these dates are prior to September 8, 2000.

4. We also declare that the Network and Method For Coordinating High Availability System Services of pending claims 1, 3, 5-11, 14, 16-18, 21-26, 31, 36-39 and 41-80 are disclosed in the Invention Disclosure Form including, but not limited to:

A network having a plurality of nodes running services that collaborate to provide a distributed environment for one or more applications;

A node within a network of nodes for exchanging information;

A method for coordinating a system service within a network having a plurality of nodes, the system service comprising a cluster membership monitor for managing a cluster including a set of the plurality of nodes; and

A method for coordinating initialization in a network having a plurality of nodes.

08-31-2005 12:03 From-HOGAN&HARTSON

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T-773 P.006/015 F-584

Date/Year NR-1F-7005 02:56PM

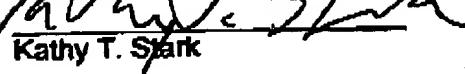
To-HOGAN & HARTSON

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5. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.



Kathy T. Stark

Date: Aug 15, 2005

Frederic Herrmann

Date: _____

Gia-Khanh Nguyen

Date: _____

Rebecca A. Ramer

Date: _____

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Kathy T. Stark

Date: _____



Gia-Khanh Nguyen

Date: 8/16/05

Frederic Herrmann

Date: _____

Rebecca A. Ramer

Date: _____

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Kathy T. Stark

Date: _____

Frederic Hermann

Frederic Hermann

Date: 8-16-2005

Gia-Khanh Nguyen

Date: _____

Rebecca A. Ramer

Date: _____

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Kathy T. Stark

Date: _____

Frederic Heimann

Date: _____

Gia-Khanh Nguyen

Date: _____

Rebecca A. Ramer

Date: Aug. 15, 2005